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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,124	08/06/2003	Brett M. Belongia	MCA-657 US	2080
25182	7590	01/10/2006	EXAMINER	
JACYNA, J CASIMER				
ART UNIT		PAPER NUMBER		
3751				

DATE MAILED: 01/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/635,124	BELONGIA ET AL.
	Examiner	Art Unit
	J. Casimer Jacyna	3751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 18 November 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-10 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 5 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Tan et al. In the embodiment of figure 2, Tan discloses a fluid dispenser cartridge 4 that is installed on dispensing apparatus 20 including a reservoir 52 with an inlet at 10 and an outlet at 8, a fill tube “assembly” which “fill tube assembly” has the assembled parts 26, 36, 38 with 36 being a discharge port. The fill tube assembly is connected to the reservoir outlet 8 via gasket 16 and includes a means for gating gas as is pressure valve 18, and a fill valve 38 that is operatively engaged onto the fill tube assembly 26, 36, 38.

3. Claims 1, 2, 5, 6 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Burrows. Burrows discloses a fluid dispenser cartridge 10 that is installed on dispensing apparatus 14 including a reservoir 20 with an inlet at the open top 80 wherein the open top inlet accepts fluid flowing out of 76 and a lower fluid outlet that connects to the fill tube with a discharge port and fill valve at 32 and a means for gating gas 98.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burrows in view of Healy. Burrows discloses a dispensing apparatus including a matte type vent filter 98 substantially as claimed but does not disclose any specific material for the filter. However, Healy teaches another vent filter made from polyethylene fiber (see col. 6, lines 50-59) for the purpose of making the filter structurally more durable. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide make the filter of Burrows with polyethylene fiber as, for example, taught by Healy in order to make the filter structurally more durable.

6. Claims 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burrows in view of Wade. Burrows discloses a dispensing apparatus including a membrane type vent filter 98 substantially as claimed but does not disclose any specific material for the filter. However, Wade teaches another vent filter 36 made from polytetrafluoroethylene (see col. 3, lines 30-52) for the purpose of providing a suitable and readily available material for making the filter. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide make the filter of Burrows with polytetrafluoroethylene as, for example, taught by Wade in order to provide a suitable and readily available material for making the filter.

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7. Applicant's arguments filed 11/18/2005 have been fully considered but they are not persuasive. The rejection over Tan has been rewritten in regard to the embodiment of figure 2 which does include a fill valve as claimed. Although Burrows does not specifically disclose a valve, one of ordinary skill in the art would know that the element depicted at 32 in figure 1 of Burrows with the upper triangular extension is a valve that is typically used on water coolers. This valve is located at the end of a horizontal fill tube connected to the discharge outlet of the reservoir 20 as claimed.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Casimer Jacyna whose telephone number is 571-272-4889. The examiner can normally be reached on Wed. thru Fri. 9AM-7PM, Mon. 7AM-1PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine Yu can be reached on 703-272-4835. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



J. Casimer Jacyna
Primary Examiner
Art Unit 3751

JCJ